

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF RATES OF SALT RIVER )      CASE NO.  
ELECTRIC COOPERATIVE CORPORATION )      92-560

O R D E R

This matter arising upon petition of Salt River Electric Cooperative Corporation ("Salt River") filed May 14, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its responses to Items 33 through 41 of the Commission's Order of April 26, 1993 on the grounds that disclosure of the information is likely to cause Salt River competitive injury, and it appearing to this Commission as follows:

Salt River is the owner of Salt River Service Corporation ("Service Corporation"), a wholly owned subsidiary engaged in providing satellite dish services to its customers. On April 26, 1993, Salt River was ordered to respond to certain data requests by the Commission concerning Service Corporation. Items 33 through 41 requested information concerning the relationship between Salt River and Service Corporation with regard to the allocation of common costs and expenses, the use of a common board of directors, the number of customers served by Service Corporation, and the allocation of office expenses to Service Corporation.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS

61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The provision of satellite dish service is a competitive business. Salt River maintains that the information sought to be protected would provide competitors confidential pricing, marketing, and strategic business information which competitors could use to Salt River's detriment. While the number of customers presently served by Salt River might be valuable to its competitors, the methods of allocating costs and expenses between Salt River and Service Corporation, the make-up of its board of directors, and the allocation of office expenses would not provide competitors with information they can use to Salt River's or Service Corporation's detriment. Therefore, the petition should be denied with respect to all information except that filed in response to Item 40.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

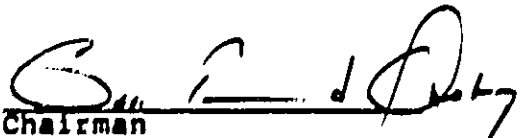
1. The petition to protect as confidential the number of customers served by Service Corporation contained in Item 40 of the Commission's Order of April 26, 1993, which Salt River has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. The petition to protect as confidential the responses to Items 33 through 39 and Item 41 to the Commission's Order of April 26, 1993 be and is hereby denied.

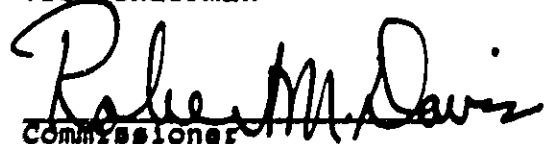
3. Except as otherwise provided, the information sought to be withheld from public disclosure shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 3rd day of June, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director